

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JEFFREY A. ROSENTERTER and TENNESSEE VALLEY AUTHORITY,
NEW JOHNSONVILLE TENNESSEE FOSSIL OPERATIONS, Chattanooga, TN

*Docket No. 02-1838; Submitted on the Record;
Issued November 27, 2002*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant is entitled to continuation of pay from July 17 to August 24, 2001.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the April 15, 2002 decision of the Office of Workers' Compensation Programs is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ Appellant is not entitled to continuation of pay from July 17 to March 24, 2001 because he filed his claim for a traumatic injury on August 23, 2001, more than 30 days after the date of the injury on July 17, 2001; *see* 20 C.F.R. §§ 10.205, 10.220; *Thomas A. Faber*, 50 ECAB 566, 570 (1999); *Kenneth R. Ketter*, 50 ECAB 518 (1999). Contrary to appellant's contentions, the nurse's notes dated from July 17 to 19, 2001 indicating that appellant sought treatment for left shoulder pain which arose at work on July 17, 2001 and might be the aggravation of an old injury, and the Office's allegedly telling him not to file a claim until he knew that he sustained a new injury does not excuse the late filing.

The April 15, 2002 and September 13, 2001 decisions of the Office of Workers' Compensation Programs are hereby affirmed.

Dated, Washington, DC
November 27, 2002

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member